

## IDAPA 35 - IDAHO STATE TAX COMMISSION

### 35.01.03 - RULES GOVERNING PROPERTY TAX

DOCKET NO. 35-0103-1401

#### NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

**AUTHORITY:** In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 63-105A, Idaho Code, and Section 63-802, Idaho Code.

**METHOD OF PARTICIPATION:** Interested persons wishing to participate in the negotiated rulemaking may do any of the following:

Negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

1. Attend the negotiated rulemaking meeting(s) and participate in the negotiation process;
2. Attend through a teleconference;
3. Provide oral or written recommendations, or both, at the negotiated rulemaking meeting, and/or;
4. Submit written recommendations and comments to the address below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

*Property Tax Rule 120* is being amended to define the subject matter of complaints and explain who may file a written complaint and states a timeline for hearing the complaint.

*Property Tax Rule 609* is being amended to clarify whether or not a taxpayer who no longer owns his property prior to April 15, will continue to receive the homestead exemption.

*Property Tax Rule 804* is being amended, adding clarification to explain how annexation values and subdivided (split) property values are to be adjusted and to provide directions on the handling of personal property exemption parcels.

*Property Tax Rule 988* is being amended to clarify the application process and for reporting the personal property exemption offered by I.C. 63-3029B, known as the Qualified Investment Exemption (QIE) as it is affected by the personal property tax exemption offered by I.C. 63-602KK.

*Property Tax Rule 995* is being amended to provide guidance to the tax commission on whether or not the value of personal property exempt pursuant to section 63-602KK, as determined for tax year 2013, will or will not be included in market value for assessment purposes. In addition the rule will provide that the tax commission will withhold sales tax from those entities that do not comply with the reporting requirements of HB 560. Also, notice and timing related to HB560 will be provided in the proposed rule.

**CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this negotiated rulemaking, contact Alan Dornfest, (208) 334-7742. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the commission website at the following web address: [www.tax.idaho.gov](http://www.tax.idaho.gov).

All written comments must be directed to the address below.

Dated this April 21, 2014.

Alan Dornfest  
Tax Policy Supervisor  
State Tax Commission  
P.O. Box 36  
Boise, ID 83722-0410  
(208) 334-7742